

GLM:ach 02/02/05 300056.doc # 607.US
PATENT

Attorney Reference Number 6541-61435-01
Application Number 10/017,629

REMARKS

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1, 4-18, 20, and 22-24 are pending in the application. No claims have been allowed. Claims 1, 6, 15, 18, and 20 are independent. Claims 2-3, 19, and 21 have been canceled without prejudice. Claims 23-24 have been added. Amendments made herein are not necessarily made for reasons of patentability.

Cited Art

The Action cites the following art:

U.S. Patent No. 6,721,577 to Humes ("Humes").

U.S. Patent No. 6,363,411 to Dugan et al. ("Dugan").

U.S. Patent No. 5,600,704 to Ahlberg et al. ("Ahlberg").

U.S. Patent No. 5,890,064 to Widergen et al. ("Widergen").

U.S. Patent No. 6,034,687 to Taylor et al. ("Taylor").

Informalities

Applicants appreciate the Examiner's having provided the list of informalities and have amended the subject claims accordingly.

Patentability of Claims 1 and 4 over Humes and Dugan under § 103

The Action rejects claim 3 under 35 U.S.C. § 103(a) as unpatentable over Humes in view of Dugan. Applicant has amended claim 1 to incorporate language from claims 2 and 3, which have now been canceled. Applicants respectfully submit the claims in their present form are allowable over the cited art. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142.)

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Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. (See MPEP § 2143.01.)

Claim 1

Claim 1 recites in part, "a queue dial function which, when operated, results in a dialing of a next entry of the outgoing call queue and results in removing the next entry from the outgoing call queue." For example, at page 4, lines 24 et seq. of the Application describe:

Subsequent to dialing a number, and as a result of operation of the queue dialing function, the dialed number may be removed from the queue. In other words, the queue may be consumed as a consequence of dialing. Once all numbers of the queue are dialed, the queue is empty and ready to be reconfigured with more numbers.

Claim 3 stood rejected over Humes and Dugan. Applicants have now incorporated language from claims 2 and 3 into claim 1 and believe claim 1 is patentable over the references.

Humes in combination with Dugan's description of a call queue for incoming calls fails to teach or suggest the recited "removing the next entry from the outgoing call queue." The Action agrees that Humes does not disclose removing an entry from the call queue and thus relies on Dugan. Dugan's description at column 66, lines 39 et seq. describes (emphasis added):

4) Queuing for *incoming* calls for any type of resource, i.e., when a resource . . . is not available, the call which is requesting the connection to the resource is put into a queue in the manner as described herein . . . If any calling party drops the call while in the queue, the system removes the call from the queue and pushes the rest of the calls one step up towards the top of the queue.

Thus, Dugan does describe "removes the call from the queue." However, it is clear that Dugan is directed to "incoming calls," not an "outgoing call queue" as recited by claim 1. Therefore, Humes in light of Dugan fails to teach or suggest the claimed arrangement.

The arrangement is not merely Dugan's arrangement modified for an outgoing call scenario. For example, the claims recites "dialing of a next entry." Dugan does not describe dialing entries in its queue because it does not contemplate the recited arrangement.

Further, such an arrangement can have advantages not contemplated by Humes or Dugan. For example, the arrangement can be used to provide a temporary call queue to a user who wishes to place calls to a list of numbers in a "one-off" fashion. As understood by Applicants, Humes and Dugan fail to consider such a scenario and fail to teach the arrangement and also fail to motivate a modification that would result in the claimed arrangement.

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For at least these reasons, claim 1 and its dependent claims, 4-5, are allowable over Humes and Dugan.

Patentability of Claim 5 over Humes and Taylor under § 103

Dependent claim 5 has been rejected over Humes in light of Taylor. In the interest of brevity, rather than belaboring the language of claim 5 with respect to the Taylor reference, Applicants note that Taylor fails to contribute sufficient disclosure to render claim 1 obvious; therefore, claim 5 is allowable over Humes and Taylor.

Patentability of Claims 6-14 over Ahlberg under § 102(b)

The Action rejects claim 6 under 35 U.S.C. § 102(b) as unpatentable over Ahlberg. Applicants respectfully disagree. For a 102(e) rejection to be proper, the cited art must show each and every element as set forth in a claim. (See MPEP § 2131.01.) However, the cited art does not so show. Particularly, Ahlberg does not show a call queue management function that provides a next number to dial from a call queue in response to receipt of a queue dial request from the requesting wireless device, *wherein the call queue is indexed by an identification of the requesting wireless device*.

Ahlberg's description of routing lists describes "placing a telephone call to" a predetermined number from a "source telephone," not "receipt of a queue dial request from" a wireless device wherein the call queue is "indexed by an identification of the wireless device" as recited in claim 6. The Action rejects claim 6 over FIGS. 2A and 2B of Ahlberg and col. 9, lines 54 – col. 10, line 30 of Ahlberg. Col. 6, lines 13 et seq. describe FIGS. 2A and 2B:

As shown in FIGS. 2A and 2B, the prioritized routing list 38 includes a listing of the telephone numbers assigned to telephones associated with the predetermined subscriber. The telephone numbers are ranked from a highest priority to a lowest priority.

and at Col. 6, lines 48 et seq.:

The cellular radio communications system also includes communications link establishing means, responsive to the prioritized routing list, for establishing a communications link, such as a duplex radio communications signal 32, between the predetermined subscriber and a source telephone placing a telephone call to a predetermined telephone number associated with the subscriber.

Thus, Ahlberg does describe placing a telephone call to a predetermined telephone number associated with the predetermined subscriber and that the list includes telephone numbers for the

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predetermined subscriber (e.g., cell, work, and home numbers). However, an arrangement that places a telephone call to a predetermined number would not lead one to the recited arrangement of "in response to receipt of a queue dial request from the wireless device." Even though Ahlberg goes on to say, "the predetermined telephone number can be the same number as that assigned to a cellular telephone of the subscriber" at column 6, lines 58 et seq., Ahlberg still does not describe that it would provide a next number to dial from a queue indexed by an identification of a device in response to receipt of a queue dial request from the (requesting) device.

For at least these reasons, claim 6 and its dependent claims 7-14, are allowable over Ahlberg.

Patentability of Claims 8-10

Claims 8 and 9 are rejected as unpatentable over Ahlberg in view of Widergren; claim 10 stands rejected as unpatentable over Ahlberg in view of Dugan. Rather than belabor the language of these individual dependent claims, Applicants point out that Widergren and Dugan both fail to contribute sufficient disclosure that would render claim 6 obvious. Claims 8-10 depend from 6, directly or indirectly. Accordingly, these claims are allowable at this time.

Patentability of Claims 15-17

The Action rejects claims 15-17 without stating specific reasons. Accordingly, Applicants respond by noting that the claimed combinations are believed to be patentable.

Patentability of Claims 18-19

The Action rejects claims 18-19 without stating specific reasons. Applicants have incorporated language from claim 19 into claim 18 and canceled claim 19. Applicants believe claim 18 is patentable.

Patentability of Claims 20-22

The Action rejects claims 20-22 without stating specific reasons. Applicants have incorporated language from claim 21 into claim 20 and canceled claim 21. Applicants believe claims 20 and 22 are patentable.

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Patentability of Claims 23-24

Applicants have added claim 23, which is a computer-readable media claim relating to claim 15. The claim is thus allowable for at least the reasons stated for claim 15.

Similarly, new claim 24 depends from claim 18.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

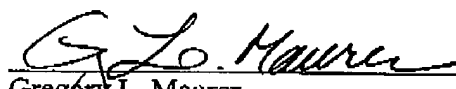
Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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